

# **Exhibit F**

**U.S. District Court**  
**District of Delaware (Wilmington)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-02103-MN**

The United States of America v. Gilead Sciences, Inc. et al  
Assigned to: Judge Maryellen Noreika  
Cause: 35:271 Patent Infringement

Date Filed: 11/06/2019  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**The United States of America**

represented by **Lena A. Yueh**  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
Washington, DC 20530  
404-639-7122  
Email: osh6@cdc.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Amanda Katherine Kelly**  
DOJ-Civ  
1100 L St. NW  
Ste 8512  
Washington DC, DC 20005  
202-532-5026  
Email: amanda.k.kelly@usdoj.gov  
**TERMINATED: 10/05/2022**  
**ATTORNEY TO BE NOTICED**

**Andy J. Miller**  
Office of the General Counsel  
U.S. Department of Health and Human Services  
233 N. Michigan Avenue  
Suite 700  
Chicago, IL 60601  
(312) 886-3603  
Email: andy.miller@hhs.gov  
**TERMINATED: 03/17/2022**  
**PRO HAC VICE**

**Carrie Rosato**  
DOJ-Civ  
1100 L St. NW  
Washington, DC 20005  
202-307-0415

## ATTORNEY TO BE NOTICED

**Shamoor Anis**

(See above for address)

*ATTORNEY TO BE NOTICED***Sosun Bae**

(See above for address)

*ATTORNEY TO BE NOTICED***Walter W. Brown**

(See above for address)

*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/06/2019	<a href="#">1</a>	COMPLAINT filed with Jury Demand against Gilead Sciences, Inc., and Gilead Sciences Ireland UC - Magistrate Consent Notice to Pltf (Fee waived). - filed by The United States of America. (Attachments: # <a href="#">1</a> Exhibit 1-5, # <a href="#">2</a> Exhibit 6, # <a href="#">3</a> Exhibit 7-19, # <a href="#">4</a> Exhibit 20-33, # <a href="#">5</a> Exhibit 34-61, # <a href="#">6</a> Exhibit 62-92, # <a href="#">7</a> Civil Cover Sheet)(myr) (Entered: 11/07/2019)
11/06/2019	<a href="#">2</a>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (myr) (Entered: 11/07/2019)
11/06/2019	<a href="#">3</a>	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) U.S. 9,044,509; U.S. 9,579,333; U.S. 9,937,191; U.S. 10,335,423. (myr) Modified on 11/13/2019 (dlw). (Entered: 11/07/2019)
11/07/2019		No Summons Issued. (myr) (Entered: 11/07/2019)
11/13/2019		Case Assigned to Judge Maryellen Noreika. Please include the initials of the Judge (MN) after the case number on all documents filed. (rjb) (Entered: 11/13/2019)
11/21/2019	<a href="#">4</a>	WAIVER OF SERVICE returned executed by The United States of America: For Gilead Sciences Ireland UC waiver sent on 11/13/2019, answer due 1/13/2020. (Brown, Walter) (Entered: 11/21/2019)
11/21/2019	<a href="#">5</a>	WAIVER OF SERVICE returned executed by The United States of America: For Gilead Sciences, Inc. waiver sent on 11/13/2019, answer due 1/13/2020. (Brown, Walter) (Entered: 11/21/2019)
01/10/2020	<a href="#">6</a>	STIPULATION TO EXTEND TIME to move, answer, or otherwise respond to the Complaint to January 23, 2020 - filed by Gilead Sciences Ireland UC, Gilead Sciences, Inc.. (Cottrell, Frederick) (Entered: 01/10/2020)
01/10/2020		SO ORDERED re <a href="#">6</a> STIPULATION TO EXTEND TIME to move, answer, or otherwise respond to the Complaint to January 23, 2020 (Set/Reset Answer Deadlines: Gilead Sciences Ireland UC answer due 1/23/2020; Gilead Sciences, Inc. answer due 1/23/2020). ORDERED by Judge Maryellen Noreika on 1/10/2020. (dlw) (Entered: 01/10/2020)
01/23/2020	<a href="#">7</a>	ANSWER to <a href="#">1</a> Complaint, , COUNTERCLAIM against The United States of America by Gilead Sciences Ireland UC, Gilead Sciences, Inc.. (Attachments: # <a href="#">1</a> Exhibits A-R) (Cottrell, Frederick) (Entered: 01/23/2020)
01/23/2020	<a href="#">8</a>	Disclosure Statement pursuant to Rule 7.1: No Parents or Affiliates Listed filed by Gilead Sciences Ireland UC, Gilead Sciences, Inc.. (Cottrell, Frederick) (Entered: 01/23/2020)

12/21/2021	247	<p>ORAL ORDER: The Court, having reviewed the parties' discovery dispute motion and briefing, (D.I. 227; D.I. 232-33; D.I. 241-42), which involved one dispute raised by Defendants and four disputes raised by Plaintiff ("the Government"), having heard argument during a teleconference on December 20, 2021 in which the Court resolved Defendants' dispute (by GRANTING the requested protective order) and resolved one of the four disputes raised by the Government (by GRANTING its request for discovery relating to Defendant GSIUC), hereby ORDERS as follows with regard to the Government's three remaining disputes: (1) With regard to the request that Defendants produce documents responsive to RFP No. 222 (relating to manufacturing costs and other factors considered by Gilead in determining the initial price of Truvada in 2004), the request is DENIED. The Court's Default Standard for Discovery, Including Discovery of Electronically Stored Information ("ESI") (the "Default Standard") sets a presumption that discovery from six years or more before the case's filing will not be permitted. Default Standard at Section 4(e) ("Absent a showing of good cause, follow-up discovery shall be limited to a term of 6 years before the filing of the complaint[.]"). Here, in the few sentences of argument on this point in its briefing, (D.I. 232 at 3), the Government does not provide enough information to establish the requisite good cause. During the teleconference, the Government suggested that good cause was established because it was only in 2004, and at no time thereafter, that Defendants had extensive discussions relating to the factors contributing to Truvada pricing decisions. However, that assertion is merely attorney argument, as there is no record evidence before the Court supporting such a conclusion.; (2) With regard to the Government's request that Defendants produce documents responsive to RFP No. 263 (relating to meetings of Gilead's Board of Directors ("Board") or Executive Committee ("EC") that discussed pricing of Truvada for PrEP or Descovy for PreEP or the patents-in-suit from 2007 to present), the request is GRANTED-IN-PART and DENIED-IN-PART. First, to the extent that the Request calls for documents from prior to six years before this suit's filing, for reasons set out above, the Government has not sufficiently demonstrated why it is entitled to such documents. Next, as to documents dating from six years prior to suit and thereafter, the Government provided various articulations as to why such documents might be relevant (i.e., that they are "crucial to understanding Gilead's decision making as it relates to the pricing and sales of the Accused Products for PrEP, Gilead's awareness of the Patents-in-Suit, Gilead's decision to file IPR petitions on the Patents-in-Suit, and Gilead's decision to file suit in the Court of Federal Claims"). (D.I. 232 at 3) But as to all of those issues with the exception of pricing, Defendants proffered a declaration indicating that review of an exemplary set of such documents indicates that there are not likely to be any or many non-privileged responsive materials. (D.I. 242, ex. A at para. 10) That leaves the issue of Board/EC meeting documents that relate to pricing; on that front, the Court is not prepared for say (as Defendants would like it to) that such documents are necessarily irrelevant to damages-related issues, such as the calculation of a reasonable royalty. And Defendants do not represent that the Board/EC never received presentations on this topic (indeed, it seems reasonable to the Court that they would have). Therefore, as to this RFP, the Court ORDERS that Defendants should produce responsive documents regarding pricing within the six-year cut off set by the Default Standard, and should do so in a reasonable time period.; and (3) Lastly, with regard to the Government's request that Defendants perform targeted searches for documents from three additional ESI custodians (Daniel O'Day, Dr. Terrance Dahl, and Traci Carrithers), the request is GRANTED-IN-PART and DENIED-IN-PART. As an initial matter, the Court notes that the Default Standard provides that a party must search the ESI of up to 10 custodians, Default Standard at Section 3(a) &amp; 5(b), and Defendants have already done so, (D.I. 242 at 2). So Plaintiff must show good cause as to why more should be required. As to Mr. O'Day, for the reasons the Court expressed on the teleconference, it is skeptical that this witness has a significant amount of non-privileged responsive material. Thus, an insufficient showing has been made to add him as a custodian at this time. With regard to Dr. Dahl, although</p>
------------	-----	--

		the Government suggests that he should be added to the custodial list because Defendants rely "extensively" "in [their] invalidity contentions" on a piece of prior art as to which Dr. Dahl was the lead inventor, (D.I. 232 at 2), in reality, this reference is "not among the obvious combinations in Defendants final invalidity contentions[,"]" (D.I. 242 at 3) and it is just one of many pieces of prior art referenced in those contentions. Thus, good cause has not been shown here either. As to Ms. Carrithers, it is undisputed that she is included on very relevant communications regarding, inter alia, certain material transfer agreements at issue in this case. (D.I. 232 at 2) Defendants argue that there is nevertheless no need to add Ms. Carrithers as a custodian because she was the assistant to one of their 10 custodians (Dr. Bischofberger), and because it is likely that most or all of the responsive documents in her possession would be cumulative of others already produced. (D.I. 242 at 3) But Defendants bore the burden to demonstrate the likely accuracy of this assertion, and the Court simply does not have the record to conclude that a great deal of such relevant documents in Ms. Carrithers' custody would be cumulative. Therefore, it ORDERS that documents responsive to RFP No. 221 that are in her custody be produced in a reasonable time period. Ordered by Judge Christopher J. Burke on 12/21/2021. (mlc) (Entered: 12/21/2021)
12/21/2021	<a href="#">248</a>	MOTION for Pro Hac Vice Appearance of Attorney Scott G. Greene - filed by Gilead Sciences Ireland UC, Gilead Sciences, Inc.. (Ewing, Alexandra) (Entered: 12/21/2021)
12/22/2021		SO ORDERED re <a href="#">248</a> MOTION for Pro Hac Vice Appearance of Attorney Scott G. Greene filed by Gilead Sciences, Inc., Gilead Sciences Ireland UC. ORDERED by Judge Maryellen Noreika on 12/22/2021. (dlw) (Entered: 12/22/2021)
12/22/2021	<a href="#">249</a>	NOTICE OF SERVICE of (1) Defendants' Sixth Set of Interrogatories to the United States of America and (2) Defendants' Fourth Set of Requests for Admission to Plaintiff filed by Gilead Sciences Ireland UC, Gilead Sciences, Inc..(Ewing, Alexandra) (Entered: 12/22/2021)
12/23/2021	<a href="#">250</a>	REDACTED VERSION of <a href="#">232</a> Letter, by The United States of America. (Attachments: # <a href="#">1</a> Exhibit Redacted)(Anis, Shamoor) (Entered: 12/23/2021)
12/23/2021	<a href="#">251</a>	REDACTED VERSION of <a href="#">241</a> Letter, by The United States of America. (Attachments: # <a href="#">1</a> Exhibit Redacted)(Anis, Shamoor) (Entered: 12/23/2021)
12/23/2021	<a href="#">252</a>	REDACTED VERSION of <a href="#">242</a> Letter by Gilead Sciences Ireland UC, Gilead Sciences, Inc.. (Attachments: # <a href="#">1</a> Exhibit A-T)(Cottrell, Frederick) (Entered: 12/23/2021)
12/27/2021	<a href="#">253</a>	NOTICE of Subpoena to Michael Hitchcock, PhD by The United States of America (Attachments: # <a href="#">1</a> Exhibit 1 & 2)(Holvey, Patrick) (Entered: 12/27/2021)
12/27/2021		Pro Hac Vice Attorney Scott G. Greene for Gilead Sciences Ireland UC, and Gilead Sciences, Inc. added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (apk) (Entered: 12/27/2021)
12/30/2021	<a href="#">254</a>	NOTICE to Take Deposition of Sukeethi Seetharaman on January 12, 2022, filed by The United States of America.(Holvey, Patrick) (Entered: 12/30/2021)
12/30/2021	<a href="#">255</a>	NOTICE to Take Deposition of Stefania Attard on January 11, 2022, filed by The United States of America.(Holvey, Patrick) (Entered: 12/30/2021)
12/30/2021	<a href="#">256</a>	NOTICE to Take Deposition of Melissa Koomey on January 6, 2022, filed by The United States of America.(Holvey, Patrick) (Entered: 12/30/2021)
12/30/2021	<a href="#">257</a>	NOTICE of Subpoena to Dana Pizzuti by The United States of America (Attachments: # <a href="#">1</a> Exhibit 1)(Holvey, Patrick) (Entered: 12/30/2021)